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DATE: January 14, 2003

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TO: Krista Zele
Commissioner of Patents
Group Art Unit 2761

PHONE:
FAX: 703-746-5919

FROM: Bourque Law Offices
Manchester, New Hampshire

PHONE: 603-623-5111
FAX: 603-624-1432

RE: Priority Based Call Handling

Serial No.: 09/203,965

Filed: December 2, 1998

Our Reference: DAVOX-159XX

Number of pages including cover sheet:

25

Original of this document to be mailed as well: ☐ YES ☒ NO

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JAN 14 2003

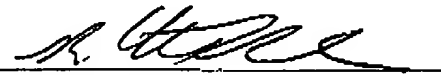
Special Program Unit
Group 2700

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Gene W. Lee
Serial No. : 09/203,965
Filed : December 2, 1998
For : SYSTEM AND METHOD FOR MANAGING A
HOLD QUEUE BASED ON CUSTOMER
INFORMATION RETRIEVED FROM A
CUSTOMER DATABASE
Attorney's Docket : DAVOX-159XX
Examiner : Lawan Fletcher
Group Art Unit : 2761

I hereby certify that this correspondence is being facsimile transmitted to:
Commissioner for Patents, Washington, D.C. 20231 on 1/14/2003
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By 
R. Anthony Diehl
Registration No. 38,432
Attorney for Applicant(s)

SUPPLEMENTAL STATEMENT IN SUPPORT OF PETITION TO WITHDRAW HOLDING
OF ABANDONMENT BASED ON FAILURE OF PATENT & TRADEMARK OFFICE TO
RECEIVE RESPONSE

Commissioner for Patents
Washington, D.C. 20231

Sir:

This personal statement is in support of Applicant's
Petition to withdraw holding of abandonment. I hereby personally
state as follows:

1. The above-identified application was filed on December
2, 1998. On July 3, 2001, an office action was mailed
rejecting claims 1-19.
2. On November 5, 2001, examiner William Deane, Jr.
conducted a telephonic examiner's interview with me.

In re: Gene W. Lee
Filed: December 2, 1998
Serial No.: 09/203,965
Page 2

3. On November 6, 2001, I supervised and have personal knowledge concerning the filing of a response to the outstanding office action along with a petition for a 1 month extension of time under 37 C.F.R. § 1.136(a) and the proper fees by facsimile. (See Exhibit A.)
4. I have personal knowledge that said office action response was filed along with a Certificate of Facsimile Transmission under 37 C.F.R. § 1.8(a) dated November 6, 2001 and signed by me. (See Exhibit A, page 1 of Amendment.)
5. I have personal knowledge that said office action response was also filed along with a Transmittal Sheet dated November 6, 2001, signed by me. (Id at transmittal sheet.)

Accordingly, applicant respectfully requests that the commissioner withdraw the Holding of Abandonment.

Applicant believes that no fee is involved with this request, however, if the Office deems that a fee is required, please charge such to Deposit Account No. 02-3285.

The examiner is invited to telephone the undersigned, applicant's attorney of record, to facilitate advancement of the present application.

In re: Gene W. Lee
Filed: December 2, 1998
Serial No.: 09/203,965
Page 3

Respectfully submitted,

Gene W. Lee

By



R. Anthony Diehl, Esquire
Registration No. 38,432
Attorney for Applicant(s)

BOURQUE & ASSOCIATES, P.A.
835 Hanover Street, Suite 301
Manchester, New Hampshire 03104

Telephone: (603) 623-5111
Facsimile: (603) 624-1432

Date:

1/14/2003

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**Special Program Unit
Group 2700**

EXHIBIT A

BOURQUE AND ASSOCIATES
Professional Association
ATTORNEYS AT LAW
835 HANOVER STREET, SUITE 301
MANCHESTER, NEW HAMPSHIRE 03104

FACSIMILE TRANSMISSION

DATE:

FAXED
November 6, 2001

TIME:

3:24 PM

TO: United States Patent and Trademark Office
Examiner William J. Dean, Jr.
Group Art Unit: 2642

PHONE: 703-306-5838
FAX: 703-872-9314

FROM: Bourque Law Offices
Manchester, New Hampshire

PHONE: 603-623-5111
FAX: 603-624-1432

RE: Priority Based Call Handling
Our Reference: DAVOX-159XX

Number of pages including cover sheet: 20

Original of this document to be mailed as well: ☐ YES ☒ NO

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Serial No.: 09/203,965
 Filed: December 2, 1998
 Group Art Unit: 2761

Bourque & Associates, P.A.
 835 Hanover Street, Suite 303
 Manchester, NH 03104
 Telephone: (603) 623-5111
 Facsimile: (603) 624-1432

Date: November 6, 2001

HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231
 Sir:

Attorney Docket No.: DAVOX-159XX

In re application of: Gene W. Lee

Entitled: SYSTEM AND METHOD FOR MANAGING A HOLD QUEUE BASED ON CUSTOMER INFORMATION RETRIEVED FROM A CUSTOMER DATABASE

Transmitted herewith via facsimile is an amendment in the above-identified application. The following checked items are applicable:

☒ A Petition for Extension of Time for two month(s) is hereby made, under §1.136(a).

☐ is hereby appointed Associate Attorney by:

Registration No.:

Attorney of Record: Daniel J. Bourque
 Registration No.: 35, 457

☐ Other:

CLAIMS AFTER AMENDMENT:	MINUS PRIOR PAID CLAIMS:	EQUALS PRESENT EXTRA CLAIMS:	RATE:	ADDITIONAL FEE:
Independent 3	- 3	= 0	x \$82.00 =	\$0
Total 16	- 20	= 0	x \$22.00 =	\$0
<input type="checkbox"/> Multiple Dependent Claims (1st presentation)			+ \$270.00 =	\$0
Small Entity filing, divide by 1/2. Previously submitted or verified statement must be attached (per §1.9, §1.27, §1.28)				\$0
TOTAL ADDITIONAL CLAIMS FEE				\$0

☒ No additional claim fee.

☐ The claim fee has been calculated above; the Commissioner is authorized to charge Deposit Account NO. 02-3285 in the amount of \$0.

☒ In the event a Petition for Extension of Time is required by this paper and not otherwise provided, such Petition is hereby made and authorization is provided herewith to charge Deposit Account No. 02-3285 for the cost of such extension.

☒ The Commissioner is hereby authorized to charge payment of any additional filing fees under §1.16 associated with this communication or credit any overpayment to Deposit Account No. 02-3285.

I hereby certify that this correspondence is being sent via facsimile to: Honorable Commissioner of Patents and Trademarks, Washington, D.C. on November 6, 2001 at facsimile no. 703-872-9314.

SUBMIT IN TRIPLICATE

Attorney of Record: R. Anthony Diehl
 Registration No. 38,432

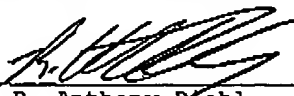
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Gene W. Lee
Serial No. : 09/203,965
Filed : December 2, 1998
For : SYSTEM AND METHOD FOR MANAGING A HOLD
QUEUE BASED ON CUSTOMER INFORMATION
RETRIEVED FROM A CUSTOMER DATABASE
Attorney's Docket : DAVOX-159XX
Examiner : Deane Jr., W.
Group Art Unit : 2642

I hereby certify that this correspondence is being sent via facsimile to:
Honorable Commissioner of Patents and Trademarks, Washington, D.C. on November
6, 2001 at facsimile no. 703-872-9314.

By


R. Anthony Diehl
Registration No. 38,432
Attorney for Applicant(s)

AMENDMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

The following is being submitted in response to the Office
Action mailed 07/03/2001. A petition for a one (1) month
extension of time together with the appropriate fee is submitted
herewith. In view of the Amendments and Remarks set forth herein,
Applicant respectfully requests reconsideration of the above-
captioned application.

In re: Gene W. Lee
Filed: December 2, 1998
Serial No.: 09/203,965
Page 2

In the Claims:

Cancel claims 3, 8 and 16, without prejudice.

Replace claims 1, 7, 9, 10 and 15 as follows:

1. A method of prioritizing calls connected to an automated telephone system comprising the steps of:
 - connecting a plurality of calls to said automated telephone system;
 - obtaining caller identifying information from each of said connected calls;
 - placing each or said connected calls on hold;
 - searching a customer database and identifying a customer database record corresponding to the caller identifying information obtained for each connected call;
 - retrieving information from said identified customer database records that is relevant to call prioritization;
 - creating a call record for each connected call, each call record including said caller identifying information and call priority data based upon said retrieved call prioritizing information;
 - inserting each created call record into a hold queue;

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Filed: December 2, 1998
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and

directing a connected call to an available agent based on said call priority data; and

wherein said step of directing a connected call to direct to an available agent comprises displaying a list of call records stored in said hold queue, including said caller identifying information and said call priority data for each said connected call on at least one available agent display and manually selecting a connected call to direct to said available agent.

7. A hold queue prioritizing system comprising:

an automated telephone system;

a call receiver/director for connecting a plurality of calls to said automated telephone system;

a customer database including a plurality of database records, each database record including caller identifying information and information relevant to call prioritization;

a means for obtaining caller identifying information from each of said plurality of calls connected to said automated telephone system;

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Filed: December 2, 1998
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at least one hold queue coupled to said call receiver/director, said at least one hold queue for holding call records related to said plurality of connected calls;

a plurality of call center agent terminals coupled to said automated telephone system for handling said connected calls; and

a hold queue prioritizer responsive to said caller identifying information from each of said plurality of calls connected to said automated telephone system, for retrieving at least a portion of said call prioritizing information stored in each said database record corresponding to each connected call and for selecting a connected call to direct to an available agent responsive to said at least a portion of said call prioritizing information;

wherein said hold queue prioritizer comprises a hold queue call record display, displayed on at least one of said plurality of agent terminals, said call record display including caller identifying information and call prioritizing information for each call record in said hold queue and a means for manually directing a call to an available agent based on said displayed connected call information.

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Filed: December 2, 1998
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9. The hold queue prioritizing system as claimed in claim 7, wherein said displayed call prioritizing information comprises raw customer information retrieved from each said customer database record.

10. The hold queue prioritizing system as claimed in claim 7, wherein said displayed prioritizing information comprises a call priority score derived by said hold queue prioritizer responsive to said call prioritizing information retrieved from each said customer database record.

15. A system for prioritizing calls on hold and connected to an automated telephone system comprising:

a call receiver/director for receiving a plurality of calls connected to said automated telephone system and for directing said plurality of connected calls to a plurality of agent terminals coupled to said call receiver/director;

a customer database, including customer database records including caller identifying information and call prioritizing information;

a hold queue prioritizer, coupled to said call

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Filed: December 2, 1998
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receiver/director, said hold queue prioritizer including:

a means for obtaining caller identifying information

from each of said plurality of connected calls;

a means responsive to said obtained caller identifying

information, for searching said customer database

to identifying customer database records

corresponding to said obtained caller identifying

information for each of said plurality of connected

calls, and retrieving said call prioritizing

information from each of said identified customer

database records;

a means for creating a call record for each of said

plurality of connected calls, each call record

including said caller identifying information and

said call prioritizing information;

at least one hold queue, coupled to said call hold queue
prioritizer for storing said created call records; and

a means for selecting a connected call to direct to an
available agent based on said call prioritizing information;

wherein said means for selecting a call to direct to an
available agent comprises an on hold call record display for

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displaying said plurality of call records stored in said hold queue, said displayed call records including caller identifying information and call prioritizing information and a means for allowing an available agent to manually select a connected call to direct to said available agent based on said displayed call prioritizing information.

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REMARKS

Claims 1, 2, 4-7, 9-15 and 17-19 are pending in the application. Claims 3, 8 and 16 are cancelled herein. Claims 1, 7, 9, 10 and 15 are amended herein. Applicant thanks the examiner for his time and consideration in conducting a telephone interview on November 5, 2001, the substance of which is set forth below.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

On page 2 of the office action the examiner rejected claims 1-19 under 35 USC 103(a) as being unpatentable over USP 5,278,898 (hereinafter "Cambray") in view of USP 5,311,572 (hereinafter "Friedes"). On page 3 of the office action, the examiner stated that "[w]ith respect to the display in claims 8 and 16, such is inherent. With respect to the means for manually directing a call to an available agent in claims 8 and 16, note Col. 4, lines 30 - 34." (07/03/2001 Office Action at 3). On page 4 of the office action, the examiner stated that "[w]ith respect to claims 1-6, such method claims would be inherent from the discussion above." (Id. at 4). After discussing the issue with the examiner,

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applicant understands that the examiner is citing col. 4, lines 30-34 of Cambray.

Cambray at col. 4, lines 30-34 provides: "An operator may signal availability to the system simply by going on hook, or by a keyboard command to a host computer which informs the system, or by a special agent instrument keyboard which is directly connected to the system."

By contrast, as set forth in twice-amended claim 7, which includes the elements of claim 8, applicant's invention is directed to a hold queue prioritizing system comprising a hold queue prioritizer, wherein said hold queue prioritizer comprises a hold queue call record display, displayed on at least one of said plurality of agent terminals, said call record display including caller identifying information and call prioritizing information for each call record in said hold queue and a means for manually directing a call to an available agent based on said displayed connected call information.

Neither Cambray nor Friedes contain any teaching or suggestion, express or implied, concerning manually directing a call to an available agent based on displayed connected call information. The cited portion of Cambray concerns how an

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Filed: December 2, 1998
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operator (agent) signals his availability to handle another call—by going on-hook or by otherwise signaling his availability to the system. In signaling his ability to handle another call, the agent may make it possible for the system to route a call to him, but he does not make any decisions about the routing of a call. Moreover, applicant respectfully submits that the elements added to claim 7 are not inherent in Cambray or Friedes (or any combination thereof) since, there would be no reason for an agent under such circumstances to have a display showing the hold queue and call identification and prioritization information. In fact, Cambray and Friedes both teach away from the present invention as set forth in amended claim 7 since both Cambray and Friedes teach that all of the routing decisions should be made automatically by the system based on predefined criteria. (See, e.g., Cambray at Fig. 2; Friedes at Figs. 6 and 7.)¹

Accordingly, applicant submits that nothing in Cambray or Friedes, whether considered alone, together or in combination with any other reference of record teaches or even remotely suggests twice-amended claim 7. Accordingly, applicant submits that the

¹ During the 11/5/2001 telephone interview with the examiner, the examiner expressed his understanding of this analysis and his tentative agreement pending further review.

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Filed: December 2, 1998
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rejection of claim 7 under 35 USC 103(a) has been overcome and should be withdrawn. Moreover, since claims 9-14 depend variously from claim 7, applicant submits that the rejections of claims 9-14 under 35 USC 103(a) have likewise been overcome and should be withdrawn.

Claim 1 has been amended to include the limitations of claim 3 and claim 15 has been amended to include the limitations of claim 16. Former claims 3 and 16 concerned manual call processing and the means therefore, respectively. Accordingly, for the same reasons set forth above with respect to claim 7, applicant submits that the rejections of claims 1 and 15 under 35 USC 103(a) have been overcome and should be withdrawn. Moreover, since claims 2 and 4-6 depend from claim 1 and since claims 17-19 depend from claim 15, applicant submits that the rejections of claims 2, 4-6 and 17-19 under 35 USC 103(a) have likewise been overcome and should be withdrawn.

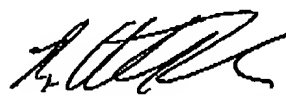
In view of the foregoing, applicant submits that all of the pending claims are in condition for allowance and respectfully requests their allowance. The examiner is invited to telephone the undersigned, applicant's attorney of record, to facilitate advancement of the present application.

In re: Gene W. Lee
Filed: December 2, 1998
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Respectfully submitted,

Gene W. Lee

By



R. Anthony Diehl
Registration No. 38,342
Attorney for Applicant(s)

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Manchester, New Hampshire 03104

Telephone: (603) 623-5111
Facsimile: (603) 624-1432

Date: November 6, 2001

In re: Gene W. Lee
Filed: December 2, 1998
Serial No.: 09/203,965
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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Claims 1, 7, 9, 10 and 15 have has been amended as follows:
1 (twice-amended). A method of prioritizing calls connected to an
automated telephone system comprising the steps of:

connecting a plurality of calls to said automated
telephone system;

obtaining caller identifying information from each of
said connected calls;

placing each or said connected calls on hold;

searching a customer database and identifying a customer
database record corresponding to the caller identifying
information obtained for each connected call;

retrieving information from said identified customer
database records that is relevant to call prioritization;

creating a call record for each connected call, each
call record including said caller identifying information and call
priority data based upon said retrieved call prioritizing
information;

inserting each created call record into a hold queue;
and

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directing a connected call to an available agent based on said call priority data; and

wherein said step of directing a connected call to direct to an available agent comprises displaying a list of call records stored in said hold queue, including said caller identifying information and said call priority data for each said connected call on at least one available agent display and manually selecting a connected call to direct to said available agent.

7. (Twice Amended) A hold queue prioritizing system comprising:

an automated telephone system;

a call receiver/director for connecting a plurality of calls to said automated telephone system;

a customer database including a plurality of database records, each database record including caller identifying information and information relevant to call prioritization;

a means for obtaining caller identifying information from each of said plurality of calls connected to said automated telephone system;

at least one hold queue coupled to said call

In re: Gene W. Lee
Filed: December 2, 1998
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Page 15

receiver/director, said at least one hold queue for holding call records related to said plurality of connected calls;

a plurality of call center agent terminals coupled to said automated telephone system for handling said connected calls; and

a hold queue prioritizer responsive to said caller identifying information from each of said plurality of calls connected to said automated telephone system, for retrieving at least a portion of said call prioritizing information stored in each said database record corresponding to each connected call and for selecting a connected call to direct to an available agent responsive to said at least a portion of said call prioritizing information;

wherein said hold queue prioritizer comprises a hold queue call record display, displayed on at least one of said plurality of agent terminals, said call record display including caller identifying information and call prioritizing information for each call record in said hold queue and a means for manually directing a call to an available agent based on said displayed connected call information.

In re: Gene W. Lee
Filed: December 2, 1998
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9. (Amended) The hold queue prioritizing system as claimed in claim [8]7, wherein said displayed call prioritizing information comprises raw customer information retrieved from each said customer database record.

10. (Amended) The hold queue prioritizing system as claimed in claim [8]7, wherein said displayed prioritizing information comprises a call priority score derived by said hold queue prioritizer responsive to said call prioritizing information retrieved from each said customer database record.

15. (Twice Amended) A system for prioritizing calls on hold and connected to an automated telephone system comprising:

a call receiver/director for receiving a plurality of calls connected to said automated telephone system and for directing said plurality of connected calls to a plurality of agent terminals coupled to said call receiver/director;

a customer database, including customer database records including caller identifying information and call prioritizing information;

a hold queue prioritizer, coupled to said call

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Filed: December 2, 1998
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Page 17

receiver/director, said hold queue prioritizer including:

a means for obtaining caller identifying information

from each of said plurality of connected calls;

a means responsive to said obtained caller identifying

information, for searching said customer database

to identifying customer database records

corresponding to said obtained caller identifying

information for each of said plurality of connected

calls, and retrieving said call prioritizing

information from each of said identified customer

database records;

a means for creating a call record for each of said

plurality of connected calls, each call record

including said caller identifying information and

said call prioritizing information;

at least one hold queue, coupled to said call hold queue
prioritizer for storing said created call records; and

a means for selecting a connected call to direct to an
available agent based on said call prioritizing information;

wherein said means for selecting a call to direct to an
available agent comprises an on hold call record display for

In re: Gene W. Lee
Filed: December 2, 1998
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displaying said plurality of call records stored in said hold queue, said displayed call records including caller identifying information and call prioritizing information and a means for allowing an available agent to manually select a connected call to direct to said available agent based on said displayed call prioritizing information.